

REMARKS

The final Office Action mailed April 23, 2002 has been received and the Examiner's comments carefully reviewed. Claims 1-11, 13-16, and 21-23 were allowed. Claim 18, 19 and 26 were objected to, but the Examiner indicated that these claims would be allowable if rewritten in independent form. Applicants thank the Examiner for this notification. Claims 17, 23, 27 and 28 have been amended. Applicants have included herewith a document entitled, "VERSION WITH MARKINGS TO SHOW CHANGES MADE" to indicate how the claims have been amended. Claims 38-40 have been added. No new subject matter has been added. Claims 34-36 have been cancelled. Claims 1-11, 13-19, 21-33, and 37-40 are currently pending. For at least the following reasons, Applicants respectfully submit that the pending claims are in condition for allowance.

It is noted that Applicants submitted a Second Supplemental Information Disclosure Statement on February 11, 2000. Although the subsequent Office Action indicates two 1449 Forms were returned to the Applicants, papers 6 and 9, the second 1449 Form of February 11, 2000 was not received. Applicants respectfully request an initialed copy of the 1449 Form submitted on February 11, 2000. A copy of the 1449 Form and associated papers is enclosed for the Examiner's convenience.

It is also noted that Applicants submitted an Information Disclosure Statement on February 20, 2001. A copy of an initialed 1449 Form has not yet been received. Applicants respectfully request that the Examiner return an initialed copy of the 1449 Form. A copy of the 1449 Form and associated papers is enclosed for the Examiner's convenience.

Claim Objections

The Examiner objected to claims 18, 19 and 26 as being dependent upon a rejected base claim, but indicated the claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for this notification.

The subject matter of a support device having at least two lift member of objected-to claim 18, and the subject matter of a support device having a first side piece, a second side piece, and a bridge having lateral regions as characterized in base claim 17 have been incorporated into

new claim 38. Applicants respectfully submit that claim 38 is patentable. Claim 39 depends upon claim 38 and is therefore also patentable. Claim 39 recites the "strip" limitation that was previously recited in claim 17.

The subject matter of a support device having first and second lateral regions that attach to first and second side pieces using Velcro of objected-to claim 19, and the subject matter of a support device having a first side piece, a second side piece, and a bridge as characterized in base claim 17 have been incorporated into new claim 40. Applicants respectfully submit that claim 40 is patentable.

Rejections Under 35 U.S.C. §102

I. Sawyer (U.S. Patent 1,292,083)

The Examiner rejected claim 17 under 35 U.S.C. §102(b) as being anticipated by *Sawyer* (U.S. Patent 1,292,083). Applicants respectfully traverse this rejection, but have amended claim 17 to advance this application to allowance. Applicants reserve the right to pursue the original subject matter via a continuing application.

Claim 17 has been amended to clarify that each of the first and second side pieces has a plurality of spaced-apart detachable contact locations. The strip of the bridge piece engages the first side piece and the second side piece at the plurality of spaced-apart detachable contact location of each side piece. Sawyer discloses a spring member 7 having ends 8 that contact the pads 6 at a connection point. Because Sawyer does not disclose side pieces having a plurality of detachable contact locations engaged by the bridge piece, Applicants respectfully submit that claim 17 is patentable. Claims 18 and 19 depend upon claim 17 and are therefore also patentable.

II. Lundy et al. (U.S. Patent 6,098,616)

The Examiner rejected claims 24, 25 and 27-37 under 35 U.S.C. §102(e) as being anticipated by *Lundy et al.* (U.S. Patent 6,098,616). Applicants respectfully traverse this rejection. In particular, Applicants note that Lundy et al. has a filing date of March 13, 1998. The present application has a claimed priority date of April 21, 1997. Because the Applicants' date of priority is earlier than the filing date of Lundy, Applicants respectfully submit that this §102(e) rejection is improper.

Applicants note that support for the pending claims rejected upon Lundy (claims 24, 25, 27-33, and 37) is found in the original priority application filed on April 21, 1997. For example, Figures 1A, 1C-1D, 1F-1G, and 5-10 of the priority application, Serial No. 09/843,741, now U.S. Patent 5,923,873, disclose support devices having a surface layer with a protrusion disposed at a center longitudinal axis, as recited in claim 24. These Figures also disclose support devices wherein the center longitudinal dimension is greater than any other longitudinal dimension, as recited in claim 25. These Figures also disclose support devices wherein the protrusion comprises an apex, and the protrusion is symmetrically disposed along the center longitudinal axis, as respectively recited in claims 27 and 28.

Similarly, Figures 1A, 1C-1D, 1F-1G, and 5-10 disclose a surface layer having a centering structure, a major longitudinal dimension at the center structure, and reduced longitudinal dimensions on opposite sides of the centering structure, as recited in claim 29. These Figures also disclose support devices wherein the major longitudinal dimension is greater than the reduced longitudinal dimensions, as recited in claim 30. These Figures also disclose support devices wherein the centering structure: is symmetrically disposed along the center longitudinal axis, comprises an apex, and comprises a protrusion, as respectively recited in claims 31-33.

Figures 1A, 1C-1D, 1F-1G, and 5-10 also disclose support devices having a surface layer with an apex disposed at a longitudinal axis, as recited in claim 37.

Based upon Applicants' priority of the claimed subject matter, Applicants respectfully request withdrawal of this rejection. Claims 34-36 have been cancelled. Applicants reserve the right to pursue the cancelled subject matter via a continuing application.

SUMMARY

It is respectfully submitted that each of the presently pending claims (claims 1-11, 13-19, 21-33, and 37-40) is in condition for allowance and notification to that effect is requested. The Examiner is invited to contact Applicant's representative at the below-listed telephone number if it is believed that prosecution of this application may be assisted thereby.

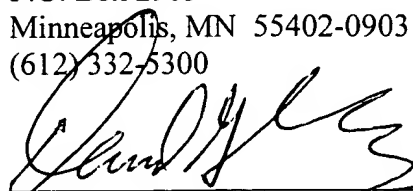
Although certain arguments regarding patentability are set forth herein, there may be other arguments and reasons why the claimed invention is patentably distinct. Applicant reserves the right to raise these arguments in the future.

Respectfully submitted

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8/20/02



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VERSION WITH MARKINGS TO SHOW CHANGES MADE

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Claims 34-36 have been cancelled.

Claims 17, 23, 27, and 28 are amended as follows:

17. (Amended) A support device for supporting tissues overlying a first and second nasal passage of a horse, said device comprising[;]:

a first side piece for applying over said first nasal passage, the first side piece having a plurality of spaced-apart first detachable contact locations;

a second side piece for applying over said second nasal passage, the second side piece having a plurality of spaced-apart second detachable contact locations; and

a bridge piece comprising a strip, the strip including a first lateral region and a second lateral region for attaching and detaching said first lateral region to said first side piece and said second lateral region to said second side piece, the first lateral region engaging the first side piece at [a] the plurality of spaced-apart first detachable contact locations, and the second lateral region engaging the second side piece at [a] the plurality of spaced-apart second detachable contact locations.

23. (Amended) The support device according to claim 10 wherein the [second] major longitudinal dimension is about 6-14 cm.

27. (Amended) The nasal support device of claim 24, wherein the first protrusion comprises an apex.

28. (Amended) The nasal support device of claim 24, wherein the first protrusion is symmetrically disposed along the center longitudinal axis.

Claims 38-40 are new.



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Receipt is hereby acknowledged for the following in the U.S. Patent and Trademark Office:

In re Application of: Blach et al.

For: NASAL SUPPORT DEVICE FOR DOMESTIC MAMMALS AND METHOD

Docket No.: 12460.1US12

Serial No.: 09/264,464

Filed: March 8, 1999

Due Date: N/A

Date Mailed: February 11, 2000

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Second Supplemental Information Disclosure Statement, Form 1449.2 Reference(s)
- ☒ Return postcard

Patent

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